

Permitting & Assistance Branch Staff Report
New Solid Waste Facilities Permit for
Harvest-Lathrop
SWIS No. 39-AA-0051
July 18, 2012

Background Information, Analysis, and Findings:

This report was developed in response to the San Joaquin County Environmental Health Department's (LEA's) request for the Department of Resources Recycling and Recovery (Department's) concurrence on the issuance of a proposed new Solid Waste Facilities Permit (SWFP) for Harvest-Lathrop, SWIS No. 39-AA-0051, located in San Joaquin County. The facility is owned and operated by Harvest Power California, LLC. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was originally received on June 18, 2012. A new version of the proposed permit was received on July 17, 2012. Action must be taken on this permit no later than September 15, 2012. If no action is taken by September 15, 2012, the Department will be deemed to have concurred with the issuance of the proposed new SWFP.

The following are the key design parameters of the proposed project:

	Proposed Permit
Operator	Harvest Power California, LLC
Owner	Harvest Power California, LLC
Facility Type	Composting Facility
Proposed Permitted Hours/Days of Operation	Receipt of Refuse/Waste: 7:00 AM to 4:00 PM, Monday through Saturday
Proposed Permitted Maximum Tonnage	500 tons per day All Materials: 156,000 tons per year Green Material, Agricultural Waste, and Food Waste
Proposed Permitted Traffic Volume	75 vehicles per day
Proposed Permitted Area (acres)	20
Design Capacity (cu. yards)	100,000
Proposed Waste Types	agricultural waste, wood waste, curbside urban greenwaste contaminated with food waste, and construction and demolition wastes

Background

Harvest-Lathrop, formerly Valley Organics, currently operates under an Enforcement Agency (EA) Notification filed in 2009. The EA Notification allows a maximum of 40 cubic yards per day throughput, 12,500 cubic yards of green material on 10 acres, and operations between the hours of 8:00 AM to 4:00 PM Monday through Friday.

Staff recommends concurrence in the issuance of the proposed new SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated June 13, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on July 17, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on June 18, 2012, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Nondisposal Facility Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated July 30, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on July 12, 2012. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on June 18, 2012, that the proposed permit is consistent with and supported by the existing CEQA documentation. See CEQA information below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on June 5, 2012. See the public comment section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed new SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on July 12, 2012, and found the facility to be in compliance with applicable state minimum standards.

The facility has been operating under an EA Notification for the composting of green material since 2009. Over the last three years, there have been two violations documented by the LEA:

- June, 2009 - 17868.3(b) Pathogen Levels Temperature Maintained and 17868.3(d) Temperature Monitoring.
- December, 2009 - 17867(a)(5) Unauthorized Access.

All of the violations were corrected to the satisfaction of the LEA.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a responsible agency under CEQA and must utilize the environmental document prepared by the San Joaquin County Community Development Department, Planning and Developmental Services, acting as the lead agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The proposed permit under consideration is to allow a solid waste facility to transfer, compost, store and process up to 500 tons per day of urban green waste with food scraps, green material and wood waste, permitted area of 20 acres and vehicle traffic volume of 75 trucks/vehicles per day. These project parameters are supported by the following environmental document.

A Mitigated Negative Declaration (MND), State Clearinghouse (SCH) No. 2012022021, was adopted by the San Joaquin County Planning Commission on March 15, 2012, and a Notice of Determination (NOD) was filed with the County Clerk on March 21, 2012. The project analysis concluded that there will be no significant impacts to the environment resulting from the project, due to mitigation measures proposed in the MND. Mitigation measures were incorporated into the project design and operation. The LEA has provided a finding that the MND describes and supports the design and operation, which will be authorized by the issuance of this permit.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the MND as prepared by the lead agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed new SWFP. Department staff has reviewed and considered the CEQA Findings adopted by the Lead Agency. Department staff further recommends the MND, together with the LEA CEQA finding, is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed new SWFP and all of its components and supporting documentation, this staff report, the ND adopted by the Lead Agency, and other

documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed new SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with requirements. The LEA held a public informational meeting on June 5, 2012, at the Scott Baker Gymnasium, 15557 5th Street, Lathrop, San Joaquin County. Seven members of the public were in attendance. Attendees commented on odor, dust, litter and vector concerns; potential fires; traffic volume; days and hours of operation; and the permitting process. The LEA provided clarification on the requirements for inspection and permitting of this facility. No written comments were received by the LEA or Department staff.

Department staff provided opportunities for public comment during the CalRecycle Monthly Public Meetings on June 19 and July 17, 2012.